

REMARKS

Claims 1-8, 10-22, and 33 are pending. Claims 23-32 have been cancelled without prejudice or disclaimer as to Applicants' right to pursue the subject matter in a continuing application. Claims 1, 12, 14, 21, and 33 have been amended. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

It is respectfully requested that this Amendment be entered as it places this application in condition for allowance or at least in better form for appeal.

Applicants would like to thank the Examiner for the courtesies extended to the Applicants' representative during the August 14, 2003 personal interview. During the interview, Applicants representative presented arguments regarding the buffer area recited in claim 1 (and in each of the other independent claims). The details for the arguments are presented below in response to the claim rejections.

In the Specification

The specification was objected to because the pages were not consecutively numbered. Applicants amended the specification to include proper page numbering and to correct other informalities in the March 5, 2003 Amendment. The substitute specification contained no new matter. Attached herewith is a marked-up version and a clean version of the substitute specification filed on March 5, 2003 which corrected these informalities. Paragraph numbers have also been added as required by 37 C.F.R. § 1.125. Accordingly, Applicants respectfully request reconsideration and withdrawal of this objection.

Claim Rejections Under 35 U.S.C. § 112

Claims 14-20 were rejected under 35 U.S.C. § 112, second paragraph. Specifically, claim 14 was rejected because there was no antecedent basis for the term "the buffer areas". Applicants have amended the claims to correct this informality. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-3, 10, 12, 14-22, and 33 were rejected under 35 U.S.C. § 102(e) over Widl (U.S. Patent No. 5,721,678). Applicants respectfully traverse this rejection.

Claims 1, 12, 14, 21 and 33 each recite, in part, a charging device which includes a deciding means for determining a charge applicable area in predetermined map information

and for determining a buffer area located adjacent to the charge applicable area and an area other than the charge applicable area. As discussed during the personal interview, Applicants submit that the entry and exit areas 2a and 2b of Widl are not buffer areas. However, even if entry and exit points 2a and 2b of Widl are interpreted to be buffer areas, Applicants submit that these areas are not located adjacent to a charge area as recited in claims 1, 12, 14, 21, and 33. As shown in Figure 8 of Applicants specification (and described during the personal interview), the buffer area 52 is located adjacent to the charge area 50. In contrast, as shown in Figure 1 of Widl, the areas 2a and 2b (which the Office Action interprets as the buffer area) is located over, not adjacent to, a toll road (which the Office Action indicated was analogous to a charge area). Accordingly, Widl does not teach or suggest a charging device which includes a deciding means for determining a charge applicable area in predetermined map information and for determining a buffer area located adjacent to the charge applicable area and an area other than the charge applicable area, as recited in claims 1, 12, 14, 21, and 33.

Additionally, as discussed during the personal interview, one of the features of the claimed buffer area (which is recited in claim 1) is that in the case where a moving body moves from a charge area to a buffer area and back to a charge area, the moving body is not charged for entry into the charge area. Additionally, with the use of the buffer area, the details of the non-charge area are not necessary as is required in Widl.

Claims 2, 3, 10, 15-20 and 22 are believed allowable for at least the reasons presented above with respect to claims 1, 14, and 21 by virtue of their dependence upon claims 1, 14, and 21. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. § 103

Claims 4-8, 11, and 13 were rejected under 35 U.S.C. § 103(a) over Widl. Applicants respectfully traverse this rejection.

Applicants traverse this rejection because the Office Action (on page 16) admitted that Widl does not teach the setting of a buffer area between multiple toll areas. The Office Action took "Official Notice" of the setting of a buffer area between multiple toll areas and asserted that these features are "well known."

Applicants traverses this Official Notice and respectfully requests that the Office provide references that support this characterization of the features as "well known" so that the Applicant can assess the teachings of such references, if any, and determine whether they are combinable with the prior art of record. See MPEP § 2144.03.

Additionally, claims 4-8, 11, and 13 are believed allowable for at least the reasons presented above with respect to claims 1 and 12 by virtue of their dependence upon claims 1 and 12. Accordingly, Applicants respectfully request reconsideration and withdrawal of this rejection.

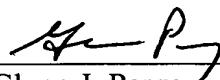
Conclusion

In view of the foregoing, the claims are believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 03-3975 with order number 41194/279165. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,
Pillsbury Winthrop LLP

By: 
Glenn J. Perry
Reg. No.: 28,458
Tel. No.: (703) 905-2161
Fax No.: (703) 905-2500

GJP\VVK
Customer Number [00909]